

2017R00153

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Crim. No. 18-505 (RBK)
v. : HON. ROBERT KUGLER
KENNETH CRAWFORD JR. :

UNITED STATES' PROPOSED VOIR DIRE

Pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure, the United States respectfully requests that this Honorable Court include the following proposed *voir dire* questions as part of the Court's examination of prospective jurors:

1. The United States of America is represented in this case, as in all federal criminal cases, by the Department of Justice. The attorneys for the United States in this case are Sean Green and John Kane. They are attorneys with the Department of Justice, Tax Division. Do you, a member of your family, or a close friend know Mr. Green or Mr. Kane? Have you, your relatives, or a close friend ever had any dealings with the Department of Justice, Tax Division or the U.S. Attorney's Office for the District of New Jersey?

2. The attorneys will be assisted in the courtroom by Special Agent Christina Barker of the Internal Revenue Service. Do you, a member of your family, or a close friend, know Ms. Barker?

3. What follows is a list of names of persons who may be witnesses in this case or whose names may come up in testimony. Do you, a member of your family, or a close friend know any of these persons? Have you had dealings with any of them?

a. Aaron Abbatiello, Central Islip, NY

- b. Robyn Abbatiello, Central Islip, NY
 - c. Ting Wai Cheng, Shirley, NY
 - d. Constantino Chiarelli, Islip, NY
 - e. Bruce Dixon, Willmington, DE
 - f. Patrick Fortunato, Shellton, CT
 - g. Bernard Jefferson, Neptune, NJ
 - h. Bernice Kendall, Bay Shore, NY
 - i. Cynthia Scott, Clifton, NJ
 - j. Lamont White, Galloway, NJ
4. Does anyone on the jury know another juror? If so, whom do you know and how?
5. Does the fact that someone you know may be on the jury with you in any way influence your individual decision making abilities?
6. This is a federal case, brought in the name of the United States of America. The federal government is comprised of many agencies and departments, including the Department of Justice, the Department of Treasury, and the Internal Revenue Service. Have you, a member of your family, or anyone close to you ever had any dealings with the federal government, including the agencies I mentioned, whether favorable or unfavorable, that might influence your consideration of the evidence in this case?
7. This is a criminal case involving allegations that the defendant (1) conspired to defraud the United States; (2) made or presented false claims for tax refunds to the Internal Revenue Service, and (3) attempted to obstruct or impede the due administration of the Internal

Revenue Laws. Is there anything about the nature of the charges that would keep you from being able to sit as a fair and impartial juror in this case?

8. Have you, or any relatives or close friends, had an experience or experiences with the Internal Revenue Service that would make you unable to render a fair and impartial verdict?

9. Does anyone hold strong personal or philosophical feelings about the tax system of the United States?

10. Do you believe that the income tax laws of the United States are unconstitutional?

11. Do you feel that violations of income tax laws should not be prosecuted as crimes by the United States?

12. Have you, a member of your family, or someone close to you ever been involved in the criminal justice system, either as a prosecutor, defense attorney, employee of a prosecutor's office or defense attorney, probation officer, court officer, or court clerk?

13. Have you, a family member, or a close friend been audited or been the subject of an IRS investigation? If so, do you believe you were treated fairly by the IRS? Is there anything about that experience that would render you unable to be fair and impartial in this case?

14. Have you, a family member, or someone close to you ever been charged with a crime? If so, what was the charge and what was the result? Do you believe that you or the person charged was treated fairly? Is there anything about that experience that would render you unable to be fair and impartial in this case?

15. Have you ever served on a grand jury in either a state or federal court?

16. Have you ever served as a juror at the trial of a criminal or civil case in either state or federal court?

17. Have you, a family member, or someone close to you had an experience, favorable or unfavorable, with a law enforcement official or with the criminal justice system that might influence your consideration of this case?

18. Do you have any religious, moral, social, political, or philosophical concern about sitting in judgment of another person such that it would interfere with your ability to judge this case?

19. If you are selected as a juror in this case, you will take an oath to [or affirm that you can] render a verdict based upon the evidence and the law as instructed to you by the Court. You will be required to accept the law as given to you by the Court without regard to any personal opinion you may have as to what the law is or should be. Is there anyone who would not be able to reach a verdict in accordance with the evidence and the law as given to you in the instructions from the Court?

20. The law does not compel a defendant in a criminal case to testify, and no presumption of guilt may be drawn from the fact that a defendant does not testify. Likewise, the law never imposes on a defendant any duty to call any witness or produce any evidence. Is there anyone who would think a defendant is guilty because he or she did not testify or produce any witnesses or evidence?

21. For you to find a defendant guilty, the United States must prove that the defendant is guilty beyond a reasonable doubt. The United States is not required to prove the guilt of a defendant beyond all possible doubt. The law recognizes that the human mind can always conceive of some doubt as to any proposition. Is there anyone who would require the United States to prove its case beyond all doubt before he or she could vote for a guilty verdict?

22. Your verdict must be based on the facts of the case—on the evidence. You are not permitted to consider sympathy, prejudice, vengeance, hostility, fear, or any similar emotion in reaching your verdict. Do any of you feel that you could not put such factors out of your mind when you deliberate on your verdict?

23. You are the judges of the facts. If you find, after considering the evidence and following my instructions on the law, that a defendant is guilty of one or more of the counts in the Indictment, it will be my duty, as judge, to determine the punishment, if any. You are not permitted to consider the possible punishment, if any. Is there anyone here who would hesitate to find a defendant “guilty” because of the possibility that the Court may impose a sentence in this case?

24. It is always difficult to estimate how long a trial will take. This trial is estimated to last approximately six trial days. After the conclusion of the evidence, and once the jury begins deliberations, jurors have to plan to be at the courthouse until at least 5:00 pm each afternoon. Does this schedule present so great a hardship that anyone feels he or she cannot be a juror in this case?

25. Do any of you have any problem hearing, speaking, or understanding the English language, or any other difficulty that would make it hard for you to be a juror in this case?

26. The United States and the defendant are entitled to a fair and impartial jury in this case. The sole purpose of these questions is to provide information to the parties about the prospective jurors to assist the parties in selecting a fair and impartial jury in this case. Is there anything else about you, your family, background, work, life experiences, or beliefs, that you think the parties should know that might help them select a fair and impartial jury?

RICHARD E. ZUCKERMAN
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/s/Sean M. Green
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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of April, I filed this notice via ECF and caused a copy to be mailed to:

Ken Crawford Jr.
Inmate 71800-050
FDC PHILADELPHIA
FEDERAL DETENTION CENTER
P.O. BOX 562
PHILADELPHIA, PA 19105

By:/s/ Sean M. Green
SEAN M. GREEN
Trial Attorney